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Docket No.: SOA-193
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Guillermo Rudolfo Chacon

Application No.: 08/941,832

Confirmation No.: 7450

Filed: October 1, 1997

Art Unit: 2128

For: ELECTRONIC KANBAN WORKSHEET FOR
THE DESIGN AND IMPLEMENTATION OF
VIRTUAL OR ELECTRONIC KANBAN
SYSTEMS

Examiner: H. M. Jones

**PETITION UNDER 37 C.F.R. § 1.181 TO REQUEST
PATENT TERM EXTENSION UNDER 37 C.F.R. § 1.701**

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

Applicant hereby petitions for Patent Term Extension under 37 C.F.R. § 1.701 and 35 U.S.C. 154(b) for examination delay due to Appellate review by the Board of Patent Appeals and Interferences. The Patent Term Extension requested is: **1,593 Days**.

This petition is filed in accordance with the procedure specified in M.P.E.P. § 2720, which states that "If applicant disagrees with the patent term extension information printed on the Notice of Allowance and Fee(s) Due, applicant may request review by way of a petition under 37 CFR 1.181."

Applicant hereby respectfully requests review of the Patent Term for the reasons set forth herein below. See M.P.E.P. § 2720.

37 C.F.R. § 1.701(a)(3) states that “A patent, other than for designs, issued on an application filed on or after June 8, 1995, is entitled to extension of the patent term if the issuance of the patent was delayed due to: ... Appellate review by the Board of Patent Appeals and Interferences or by a Federal court under 35 U.S.C. 141 or 145, if the patent was issued pursuant to a decision in the review reversing an adverse determination of patentability and if the patent is not subject to a terminal disclaimer due to the issuance of another patent claiming subject matter that is not patentably distinct from that under appellate review” (emphasis added).

37 C.F.R. § 1.701(c)(3) further states that “The period of delay under paragraph (a)(3) of this section is the sum of the number of days, if any, in the period beginning on the date on which an appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences.”

The issuance of the above application was delayed due to Appellate Review by the Board of Patent Appeals and Interferences (“the Board”), in accordance with 37 C.F.R. 1.701(a)(3), as follows.

As stated in 37 C.F.R. § 1.701(c)(3), the period of delay begins on the date when the Notice of Appeal was filed, and ends on the date when the final decision reversing an adverse determination of patentability was made by the Board.

The Notice of Appeal was filed by the Applicant on April 2, 2001. A final decision by the Board, reversing an adverse determination of patentability, was made on August 11, 2005. The number of days in the period beginning on April 2, 2001 and ending on August 11, 2005 is 1,593 days.

The final decision by the Board reversed an adverse determination of patentability in regards to the above application. In its final decision on August 11, 2005, the Board ordered that the application be returned to the Examiner for his consideration of the "Comments to Examiner's Response to Second Board Remand".

Applicant did not file any additional papers in the time period between the Board's final decision, and the Examiner's Notice of Allowance.

Subsequently, on October 3, 2005, the Examiner mailed a Notice of Allowance. Therefore, the final decision of the Board resulted in the reversal of the Examiner's adverse determination of the application's patentability, as required by 37 C.F.R. 1.701(b)(3).

Finally, the Patent Term Extension should not be reduced by any of the provisions listed in 37 C.F.R. 1.701(d). The period of delay due to appellate review was not within the 3 year time period from the filing date of the application (filed on October 1, 1997). Further, there was no time during the appellate review during which the Applicant did not act with due diligence.

Accordingly, Applicant requests that a Patent Term Extension of 1,593 days be applied to the Issued Patent of the above application.

No fee is believed required to support this petition. See 37 C.F.R. § 1.181.

However, if any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

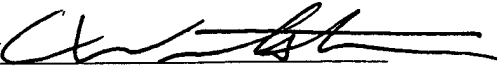
Application No.: 08/941,832

Docket No.: SOA-193

For any comments or suggestions please call Christopher J. Wickstrom, Registration No. 57,199, at (202) 955-8755.

Dated: March 23, 2006

Respectfully submitted,

By 

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